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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID THOMAS OSTRANDER,

Defendant and Appellant.

B269757

(Los Angeles County
Super. Ct. No. GA094798)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Robert P. Applegate, Judge. Affirmed.

Karyn H. Bucur, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

After he broke into vehicles that were parked inside an apartment complex garage, David Thomas Ostrander was arrested and charged in a felony complaint with two counts of first degree burglary, three counts of second degree burglary (vehicle) and one count of felony vandalism. The complaint specially alleged Ostrander had served one prior prison term for a felony within the meaning of Penal Code section 667.5, subdivision (b).

After waiving his right to a preliminary hearing and a jury trial, Ostrander entered a negotiated plea of no contest orally and in writing to two counts of first degree burglary (Pen. Code, § 459). The record of the plea hearing established Ostrander was advised of and waived his constitutional rights and was advised of and acknowledged he understood the consequences of his plea. Counsel stipulated to a factual basis for the plea. The trial court found Ostrander had knowingly, voluntarily and intelligently waived his constitutional rights and entered his no contest plea.

In accordance with the plea agreement, the trial court sentenced Ostrander to concurrent two-year terms for the residential burglaries. The court ordered Ostrander to pay statutory fines, fees and assessments and awarded him 104 days of presentence custody credits. The court dismissed the remaining counts on the People's motion.

Ostrander filed a timely notice of appeal in which he checked the preprinted box indicating, "This appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea." Ostrander did not seek a certificate of probable cause.

We appointed counsel to represent Ostrander on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On August 12, 2016 we advised

Ostrander he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

A criminal defendant who appeals following a plea of no contest or guilty without a certificate of probable cause can only challenge the denial of a motion to suppress evidence or raise grounds arising after the entry of the plea that do not affect the plea's validity. (Cal. Rules of Court, rule 8.304(b)(1).)

We have examined the record with respect to potential sentencing or post-plea issues that do not in substance challenge the validity of the plea itself and are satisfied Ostrander's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

KEENY, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.